1 THE HONORABLE JOHN C. COUGHENOUR 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 AT SEATTLE 8 SCOTT M. YONKER. 9 Petitioner, 10 CASE NO. 10-1902 v. 11 **ORDER** E. BRADFORD BALES, et al., 12 Respondents. 13 14 The Court, having reviewed petitioner's petition for writ of habeas corpus (Dkt. No. 7), the 15 Report and Recommendation (Dkt. No. 14) of the Honorable Brian A. Tsuchida, United States 16 Magistrate Judge, Petitioner's filings (Dkt. Nos. 15–18) rules as follows. 17 Petitioner has failed to demonstrate that he is entitled to interlocutory review of the state 18 action. Accordingly, the Court does hereby find and ORDER: 19 1. The Court adopts the Report and Recommendation. (Dkt. No. 14.) 20 2. Petitioner's amended petition for writ of habeas corpus (Dkt. 7) and this action are 21 **DISMISSED** without prejudice. 22 23 24

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1	3.	In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the
2		United States District Courts, a certificate of appealability is DENIED with respect
3		to all claims asserted by petitioner in his petition.
4	4.	The Clerk shall send copies of this Order to petitioner and to Judge Tsuchida.
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6	DATE	ED this 4th day of February 2011.
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8		John Coyheran
9		John C. Coughenour
10		UNITED STATES DISTRICT JUDGE
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